

MINUTES OF THE COWETA CITY COUNCIL SPECIAL MEETING
JULY 1, 2014 7:00 P.M.

The members of the Coweta City Council met in special session on Tuesday, July 1, 2014, at 7:00 p.m. at Coweta City Hall, 310 South Broadway, Coweta, Oklahoma. The July 7, 2014, regular meeting has been cancelled.

COUNCILMEMBERS PRESENT: Billy Embrey, Roy Dale, Timothy Kelley, Steve Garman.

COUNCILMEMBERS ABSENT: Robert Morton.

STAFF PRESENT: Steve Whitlock, David Weatherford, Joyce Terry, Tom Tillotson, Greg Collins, Chip Cohrs, Rob Werley, Paula Embrey, Tom Young, Derrick Palmer, Doug Black, Hal Bumgarner.

- I. The meeting was called to order by Vice-Mayor Embrey.
- II. Pledge of Allegiance given.
- III. Roll call taken. Councilmembers present and absent as shown above.
- IV. GENERAL CITY COUNCIL COMMENTS

Councilmember Kelley complimented Public Works Director Rob Werley on a job well done by PWA staff at the Patriotic Festival.

V. CONSENT

Motion by Steve Garman, second by Roy Dale, to approve consent calendar items:

1. Minutes of the Coweta City Council Regular Meeting on June 2, 2014.
2. June 2014 payroll for the General Fund in the amount of \$230,626.88, and \$753.00 for the Self-Insurance Fund.
3. Application No. 21 and Certificate for Payment to Crossland Heavy Contractors, in the amount of \$58,703.16, on the Water Treatment Facility Process Improvements (Phase 2) project.
4. Payment to Tonka Water in the amount of \$282,363.69 on the Water Treatment Facility Process Improvements (Phase 2) project (Invoice Number: 00144440-IN Rev A).

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5. The appointment of Tara Ripperger to the Coweta Library Board for a term expiring on July 1, 2017.
6. Authorization for the Mayor to sign an Agreement for Enhanced Emergency Number (E-911) Service with Cox Oklahoma Telecom, LLC., d/b/a Cox Communications.

Aye: Timothy Kelley
Roy Dale
Steve Garman
Billy Embrey

VI. OLD BUSINESS

Consideration was given to a motion authorizing the Mayor to sign Resolution No. 2014-20, a resolution approving the City of Coweta's participation with the Oklahoma Department of Transportation and TJT Enterprises, LLC, on a signalization project located at 116th Street and State Highway 51. City Manager Steve Whitlock advised that ODOT requested changes to the previous resolution submitted, and Mr. Thompson, developer for the project, has approved and signed with the changes. Changes requested by ODOT include having right-of-way on TJT property if needed, and that a warrant study be done within six months of the light being operational, or the light will be removed.

Motion by Roy Dale, second by Timothy Kelley, to authorize the Mayor to sign Resolution No. 2014-20, a resolution approving the City of Coweta's participation with the Oklahoma Department of Transportation and TJT Enterprises, LLC, on a signalization project located at 116th Street and State Highway 51.

Aye: Timothy Kelley
Roy Dale
Steve Garman
Billy Embrey

Discussion held regarding possible action on Ordinance No. 746, an ordinance relating to Title 4, Animals, amending Part 4, Section 40414, Nuisance, Potentially Dangerous and Dangerous Dogs, to the Code of Ordinances of the City of Coweta, Oklahoma, and declaring an emergency.

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Motion by Roy Dale, second by Steve Garman, to approve Ordinance No. 746, an ordinance relating to Title 4, Animals, amending Part 4, Section 40414, Nuisance, Potentially Dangerous and Dangerous Dogs, to the Code of Ordinances of the City of Coweta, Oklahoma, and declaring an emergency.

Aye: Timothy Kelley
Roy Dale
Steve Garman
Billy Embrey

Consideration was given to declaring an emergency on Ordinance No. 746, making it effective immediately.

Motion by Timothy Kelley, second by Billy Embrey, to declare an emergency on Ordinance No. 746, making it effective immediately.

Aye: Timothy Kelley
Roy Dale
Steve Garman
Billy Embrey

Discussion held regarding possible action on Ordinance No. 747, an ordinance amending the Code of Ordinance of the City of Coweta, Wagoner County, Oklahoma, more specifically amending Part 10, Chapter 3, Section 15-556(A), Seat Belts and Child Passenger Restraints Required, repealing all ordinances to the contrary, and declaring an emergency.

Motion by Roy Dale, second by Billy Embrey, to approve Ordinance No. 747, an ordinance amending the Code of Ordinance of the City of Coweta, Wagoner County, Oklahoma, more specifically amending Part 10, Chapter 3, Section 15-556(A), Seat Belts and Child Passenger Restraints Required, repealing all ordinances to the contrary, and declaring an emergency.

Aye: Timothy Kelley
Roy Dale
Steve Garman
Billy Embrey

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Consideration was given to a motion declaring an emergency on Ordinance No. 747 making it effective immediately.

Motion by Billy Embrey, second by Roy Dale, to declare an emergency on Ordinance No. 747, making it effective immediately.

Aye: Timothy Kelley
Roy Dale
Steve Garman
Billy Embrey

Discussion held regarding possible action on Ordinance No. 748, an ordinance amending the Code of Ordinance of the City of Coweta, Wagoner County, Oklahoma, more specifically amending Part 11, Chapter 1, Section 11-104, Acts Prohibited in City Parks, repealing all ordinances to the contrary, and declaring an emergency. No action taken.

No action taken on declaring an emergency on Ordinance No. 748, making it effective immediately.

Consideration was given to a motion authorizing the Mayor to sign Resolution No. 2014-19, a resolution of the City of Coweta, Oklahoma, establishing a process for implementation of the requirements of 11 O.S. § 51-108, including establishing the processing for calling and scheduling elections pursuant to said statute. City Attorney David Weatherford explained that this resolution is a clarification of state statutes that are not clear, and just restates that the City Manager calls an election, and the Mayor schedules the election.

Motion by Roy Dale, second by Steve Garman, to authorize the Mayor to sign Resolution No. 2014-19, a resolution of the City of Coweta, Oklahoma, establishing a process for implementation of the requirements of 11 O.S. § 51-108, including establishing the processing for calling and scheduling elections pursuant to said statute.

Aye: Timothy Kelley
Roy Dale
Steve Garman
Billy Embrey

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Discussion held regarding possible action on the conditional award of the 141st Street Sidewalk Improvement Project from State Highway 51 to 298th Street. City Engineer Chip Cohrs reviewed the bids received and publicly opened on June 18th at 2:00 p.m. Bids results listed as follows:

| <u>Vendor</u> | <u>Bid</u> |
|----------------------------------|---------------|
| S&J Construction Specialists | \$138,079.90 |
| Pavement Conservation Specialist | \$162,648.70 |
| Katcon, Inc. | \$170,590.53* |

*Note: Vendor did not acknowledge addendum so bid is “non-responsive”

| | |
|---------------------|--------------|
| Engineer’s Estimate | \$137,222.63 |
|---------------------|--------------|

Mr. Cohrs advised that ODOT will have to review and approve the bids as well, since they will be paying for 80% of the costs, When asked if property owners who have fences that encroach on the right-of-way have been notified they need to move the fences, Mr. Cohrs advised that they have not been contacted. Consensus was to contact property owners as soon as possible.

Motion by Timothy Kelley, second by Steve Garman, to conditionally award the project to S&J Construction Specialist (pending ODOT approval), as the lowest and best bidder in the amount of \$138,079.90, on the 141st Street Sidewalk Improvement Project from State Highway 51 to 298th Street; authorize the City Manager to execute a contract and other appropriate documents with the selected vendor; authorize the City Manager to issue a Notice to Proceed once the contract has been properly executed and all insurance and bonds are secured; and to authorize payment.

Aye: Timothy Kelley
Roy Dale
Steve Garman
Billy Embrey

Discussion held regarding possible action on an update on the current water and wastewater capital improvement projects. Mr. Cohrs advised that the new water treatment plant is still processing water, but it is being recirculated rather than being pumped to town. Mr. Cohrs advised that no decisions have been made on modifications to the overhangs that had leak problems few weeks ago; there was a problem with a motor for Tonka actuator; staff is having ongoing training and they are doing a good job in operating the old plant and new plant at the same time. No action taken.

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Discussion held regarding possible action on Ordinance No. 749, an ordinance amending the Code of Ordinance of the City of Coweta, Wagoner County, Oklahoma, more specifically amending Part 9, Licensing and Business Regulations, Chapter 2, Sections 9-201 to 9-206, Itinerant Vendors, repealing all ordinances to the contrary, and declaring an emergency. City Manager Steve Whitlock advised that two (2) typos need fixed-Section 9-201, and 9-205e, should say "chapter" rather than section. Community Development Director Greg Collins reviewed the proposed changes to the itinerant vendors licensing, since the existing ordinance that prohibits door to door sales might face court challenges. Mr. Collins advised that this proposed ordinance will allow door to door sales, after a City license is issued and fees paid. Mr. Collins also advised that background checks will be required for all sales staff doing door to door solicitation.

Motion by Roy Dale, second by Timothy Kelley, to approve Ordinance No. 749, an ordinance amending the Code of Ordinance of the City of Coweta, Wagoner County, Oklahoma, more specifically amending Part 9, Licensing and Business Regulations, Chapter 2, Sections 9-201 to 9-206, Itinerant Vendors, repealing all ordinances to the contrary, and declaring an emergency, with typo corrections as noted.

Aye: Timothy Kelley
Roy Dale
Steve Garman
Billy Embrey

Consideration was given to a motion declaring an emergency on Ordinance No. 749 making it effective immediately.

Motion by Bill Embrey, second by Steve Garman, to declare an emergency making it effective immediately.

Aye: Steve Garman
Roy Dale
Timothy Kelley
Billy Embrey

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Consideration was given to a motion authorizing conditional approval for the Mayor to sign an agreement with Cebridge Acquisition, L.P. d/b/a Suddenlink Communications, for right of way and municipal consent for placement of communication facilities within the limits of the City of Coweta. Community Development Director Greg Collins advised that staff received a request from Suddenlink requesting to pass through City limits with fiber communications lines using PSO poles in utility easements. Mr. Collins also advised that there will be no end customers in Coweta, as this will be a pass through going to rural customers west of Tulsa. Mr. Collins further advised that staff discovered property owned by a Suddenlink affiliate has outstanding liens for mowing that went unpaid by the owner. Mr. Joshua Nelson, Suddenlink representative, was at the meeting.

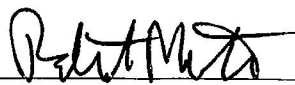
Motion by Steve Garman, second by Timothy Kelley, to authorize the Mayor to sign an agreement with Cebridge Acquisition, L.P. d/b/a Suddenlink Communications, for right of way and municipal consent for placement of communication facilities within the limits of the City of Coweta, with the following conditions: (1) Suddenlink paying off liens on other property owned by them within the City of Coweta; (2) Suddenlink providing assurances that it is obtaining approval from PSO for use of its utility poles, easement and/or right-of-way to the satisfaction of staff, and the payment of \$1,000.00 to the City of Coweta for the right to pass through the City.

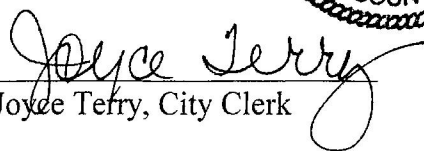
Aye: Timothy Kelley
Roy Dale
Steve Garman
Billy Embrey

VII. ADJOURNMENT

Vice-Mayor Embrey adjourned the meeting at 8:48 p.m.




Robert Morton, Mayor


Joyce Terry, City Clerk